BILL NO. G-71-04-24

GENERAL ORDINANCE NO. G- //6 - 71

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a public alley in S. B. Bond's Amended Subdivision.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. A petition for the vacation of a public alley by DUEMLING MEDICAL BUILDING, INC., having been filed with the Fort Wayne City Plan Commission, and a resolution having been duly adopted by the Fort Wayne City Plan Commission on March 22, 1971 following a public hearing thereon, all in accordance with Section 44, Chapter 174, of the Acts of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of the General Assembly of the State of Indiana (Burns Ind. Statutes, 1964 Replacement, Sec. 53-744), the Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by the Common Council of the City of Fort Wayne on November 26, 1963, is amended by deleting the following public alley in Fort Wayne, Allen County, Indiana, to-wit:

Commencing at a point on the southwest corner of Lot No. 1 in S. B. Bond's Amended Subdivision, Fairfield Outlot 22 and part of Outlot 21 in the northeast 1/4 of the northwest 1/4 of Section 14, Township 30 North, Range 12 East in the City of Fort Wayne, Allen County, Indiana; thence north along the west line of Lots No. 1 and No. 2 in said S. B. Bond's Amended Subdivision a distance of 120.0 feet; thence west at a right angle to said line a distance of 12 feet; thence south at a right angle with the last described line and parallel with the first described line to a point 12 feet west of the southwest corner of said Lot No. 1 in S. B. Bond's Amended Subdivision; thence east 12 feet to the point of beginning.

SECTION 2. After passage of this Ordinance, approval by the Mayor, and legal publication, a duly certified copy of this Ordinance, of the recommendation of the Fort Wayne City Plan Commission, and of the action of the Mayor, shall be transmitted by the City Clerk to the Board of Public Works of the City of Fort Wayne, Indiana.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

APPROVED AS TO FORM

Council Man

Read the first time in full and on motion by Tipton seconded by
Robinson and duly adopted, read the second time by title and referred
to the (Committee on) Regulations (and to the City Plan.
Commission for recommendation) (and Public Hearing to be held after due legal notice,
at the Council Chambers, City Hall, Fort Wayne, Indiana, on
theday of19, ato'clock_
P.M., E.S.T.
Date: 4-27-71 Head & Bouchoon
Read the third time in full and on motion by
seconded by and duly adopted, placed on its passage.
Passed (1051) by the following vote:
AYES, NAYS, ABSTAINED, ABSENT to-wit:
Adams Dunifon Fay Geake Nuckols Robinson Rousseau Steigerwald Tipton Date Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as **Coning Map* (General) (American) (Special) (Appropriation) Ordinance (Resolution) No. 9. 1/4-7/1 on the **TEST: (SEAL) ATTEST: (SEAL) Link Manuation City Clerk Presiding Officer
Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the part day of
Mayor Mayor

National Serv-All
1115% B. CLINTON BT.
FORT WAYNE, INDIANA 46802

PHONE: 743-5216

PHONE: 422-0225

May 20, 1971

Jankowski & Schultz Architects 6001 S. Anthony Blvd. Fort Wayne, Indiana

RE: Duemling Clinic

Dear Mr. Schultz:

If alley adjacent to the new Duemling Clinic Building is vacated, this will in no way affect Mr. Meitz's garbage collection at 2810 Fairfield Avenue.

Sincerely yours,

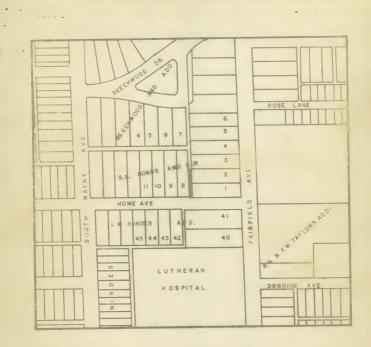
Chuck Walbridge, Manager of NATIONAL SERY-ALL, INC.

Elizabeth E. Marshall, ENVIRONMENTAL CONSULTANT of NATIONAL SERV-ALL, INC.

1b

Hoffel

Bill No. <u>G-71-04-24</u>
REPORT OF THE COMMITTEE ON REGULATIONS
We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation of a public
alley in S. B. Bond's Amended Subdivision,
Sant, and the state of the stat
have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.
HERBERT G. TIPTON, Chairman Herbert & Fifton
JACK K. DUNIFON, Vice-Chairman
THOMAS G. ADAMS //Wollas 9, Gel alle
WILLIAM K. GEAKE
JOHN H. ROBINSON Dollar I I Thin a
SOUND II. HODERSON
CONCURRED IN
THE CONTRACTOR OF THE CONTRACTOR CITY CLERK



PORTION OF ALLEY TO BE VACATED

PETITION TO DENY ALLEY VACATION

WHEREAS, proceedings have been instituted by Duemling Medical Funding, Inc. to vacate the south 120 feet of the alley which runs in a north and south direction between Home Avenue and Beenwood Drive, and which is located 200 feet west of Fairfield Avenue. all in the City of Fort Wayne, Indiana.

WHEREAS, the undersigned are against the vacation of said $\ensuremath{\text{\footnotemap}}$ feet of said alley.

WHEREAS, the undersigned are owners of and living at the lowing addresses and are interested in protecting their rights and the rights of others in this area.

NOW, THEREFORE, we, the undersigned, hereby petition and request the City of Fort Wayne and its Common Council and Board of Public Works to deny the vacation of and refuse to vacate said 12 feet portion of said alley for the following and other reasons, to wit:

- 1. The rights of the undersigned and other residents of the area to use said alley as ingress and egress to and from Home one. South Wayne Avenue and Beechwood Drive, would be denied, said 120 feet portion of said alley was vacated.
- 2. The matter of collection and disposal of the garbage and trash of the two residences located on the east side of said all and north of said 120 feet portion of said alley would be a non-uous troublesome problem for said residences, said Common (many located or Public Works, and the garbage and trash collected to the portion of said alley was vacated.
- 3. The fire projection and police protection now provide the resident on the city black currounding said at type (1) and the results reduced because of no corresponding to the configuration of way or down to make a said 2 feet of and the corresponding to the configuration of the corresponding to the co

alley and on the mast side of sold alley would not have adequate a less through the alley to their droperties, if said 120 feet of said alley was vacated.

said alley vacated now own the next 200 feet west of said 120 feet of said alley and in addition own or are buying two of the remaining four properties west of said 200 feet and could construct the improvements they desire in the area west of said 120 feet portion of said alley; said parties attempting to vacate said 120 feet portion of said alley own or are buying all of the property or Home overue between Fairfield Avenue and South Wayne Avenue except two 50-foot lots fronting on Home Avenue which are located near South they have avenue.

6. The traffic in the alleys, which are located in the allowarded by Fairfield Avenue. Home Avenue, South Wayne Avenue are Described Drive in said City of Furt Wayne, would be increased by the uniness of the parties seeking said vacation to the point that said alleys could not varry or mailtain said traffic with the persons and property of persons using said alleys.

Pate	Signature	Fort Wayne <u>Street Address</u>
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2506 Fairfuld The

ADVERTISING AND

June 3, 1971

Mr. Phil A. Steigerwald, President Fort Wayne City Council First Floor, City-County Bldg. Fort Wayne, Indiana 46802

Dear Phil:

We understand a petition has been filed to close the south 120 feet of the alley between Home Avenue and Beechwood Drive.

No doubt our friends at the clinic have good reason to make such a petition. We understand they are hoping to erect a new clinic office building extending from near Fairfield Avenue to about 200 feet west of the alley. Presumably, a long, low building would be less costly than a higher building on their property east of the alley.

But it seems to us that consideration should be given to the long-suffering residents of Beechwood Amended Addition, who have seen their Class A subdivision hacked away, bit by bit, over the years. Note these incursions which have occured during the past few years:

- The Noll property was sold to a church which forthwith requested violation of the deep-set building line in order to erect a new sanctuary.
- 2. A church parking lot was established, facing on Beechwood Circle.
- 3. A nursing home was permitted, also, to violate not only the Grade A zoning, but the building line.
- 4. A doctor's office in a Fairfield Avenue residence near Pontiac was permitted to pave a parking lot facing the small park in Beechwood Addition.

EMBER AMERICAN ASSOCIATION OF ADVERTISING AGENCIES . . . NATIONAL ADVERTISING

5. The Crippled Children's School was permitted to do likewise. In this case, the slope of the ground was such that excess drainage could not be handled by the existing storm sewer. Flooded basements became the voque on the south side of Beechwood Drive.

Mr. Phil A. Steigerwald June 3, 1971 Page Two

- 6. The Crippled Children's School was permitted to set up an unsightly garbage can station without camouflage, placing it virtually in the front vards of the Beechwood residents.
- 7. When the Turtle Creek nursing home was built, utility lines were run in on huge poles, creating another unsightly situation.
- 8. When the Duemling Clinic purchased lots on Home Avenue. some of them were cleared and graded for parking, permitting excess drainage run-off onto Beechwood properties.
- 9. The Servall Garbage collection service has found it easier to come up the alley from South Wayne to the "T" between Home Avenue and Beechwood, and then back out to South Wayne rather than negotiate the utility pole complex at the "T". Several times these backing up trucks have run off the pavement, causing property damage to landscaping and fencing. We understand that Servall is assuring some of our neighbors that service will not be affected should the alley be closed. We suggest that it would be far more satisfactory to correct the utility pole situation at the "T", permitting the garbage trucks to turn out to Home Avenue, than to continue the unsatisfactory and hazardous back-up procedures. Who knows when some youngster may be hit by a retreating truck?

Now, Phil, the question can be boiled down to what further indignities and impairment to property values will Beechwood residents face in the future? Pedestrian traffic alone between Beechwood and Home Avenue seems to justify a strong position in favor of keeping the alley open. And certainly, Beechwood residents are entitled to some degree of protection.

Surely, there are more satisfactory ways to solve these problems.

Cordially,

Louis E. Wade

LEW/ph

P.S.: Have you examined the "T" alley recently? It is badly in need of re-surfacing.

(Governmenta	.l Unit)			
Allen	County, Ind.	FORT	WAYNE, INDIAN	A
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		ach proof in excess of two)		31.10
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Date July 10, , 1	day of June, 1971 at the hour of 8:30 o'clock A.M., E.S.T. Fuad G. Bonahoom, City Clerk.	Title	Clerk	
tice is hereby given that on the day of June, 1971, the Comman cil of the City of Fort Wayne, in- y, in a Regular Session, did pass the wing General ordinance, towit:	day of June, 1971 at the hour of 10:32 o'clock A.M., E.S.T. Harold S. Zels, Mayar. R'S	AFFIDAVIT		
wing General ordinance, towit: No. G-71-64-24 ENERAL ORDINANCE NO. G-116-71 ORDINANCE amending General Or- nice No. G-97 by authorizing the vaca- of a public alley in S. B. Bond's need Subdivision.	City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true, and complete copy of General Ordinance No. 6-116-71, passed by the	ss:		
or No. G-97 by authorizing the vaca- of a public alley in S. B. Bond's nded Subdivision.	Common Council on the 22nd day of June ed 1971, and that said Ordinance was duly ed signed, and approved by the Mayor on A	before me, a notary public in a	nd for said county s	and state, the
IT ORDAINED BY THE COMMON NCIL OF THE CITY OF FORT NE, INDIANA:	mains on file and on record in my office WITNESS my hand, and the official CI	erk	who, being dul	y sworn, says
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Legal Nolices Notice 1s, hereby given find on the zourder of the 200 per section of the 20	a DAILY a DAILY a DAILY newspaper of general in the English language in the city of FORT WA for FORT WA in state and county aforesaid, and that the printed matt which was duly published in said paper for 2 time as follows: June 28, 1971 July 5, 1971 Subscribed and sworn to before me this 10th day of	of the circulation printed and published tyNE, IND IANA ter attached hereto is a true copy, so, the dates of publication being	